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EXAMINER

ROGERS, MARTIN K

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,536	Applicant(s) CHO, JA YEON	
	Examiner MARTIN ROGERS	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 8, 11 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8, 11, 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 6, 11, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichi et al. (Japanese Kokai JP8323845 already of record) in view of Uhlig (USP 3740181), Hagano et al. (Pre-Grant Publication 2002/0125254), and C. W. Hurst (USP 3499071).

In regards to claims 1, 6, and 22 Shinichi discloses a method for manufacturing a PET ([0004]) container (Figure 14) comprising the steps of blow molding a preform in a cavity (Figure 12) that has a handle forming portion for compressing both sides of the bottle to form the handle section (Figure 12), conveying the preform by clamping its neck (Figure 12: 82), creating a hole in the compressed handle area ([0096]), and using a bonding apparatus for bonding a cut-off portion remaining in the handle section after cutting off the compressed portion of the handle section (Figure 17). In the invention of Shinichi, the apparatus used to form a hole in the handle area is not disclosed and the

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unbonded flanges of the handle area are sealed by using ultrasonic welding of a prefabricated piece ([0099] and [0100]).

Uhlig discloses that when blow molding a handled container, it is beneficial to have an intermediate blowing step in which the parison is blow molded into a cavity that creates a shape which allows the handle section to be compressed (Figure 12) for the benefit of creating a desirable amount of biaxial stretching in the handled container (Column 1, lines 45-49). Uhlig further discloses that it was well known in the art at the time of the invention to use a mold punch (Figure 17) to remove the compressed portion of a container handle.

Hagano discloses that it was known in the art to injection mold around the seam of a blow molded container by compressing the cut-off portion and overmolding the edges with an injection resin ([0090]). One of ordinary skill in the art at the time of the invention would have realized that by injection molding the sealing member directly onto the container of Shinichi rather than prefabricating it and then welding it in place, the amount of equipment and the production time of the process would be reduced.

Therefore, in order to create a biaxially stretched container while saving on equipment costs and processing time, one of ordinary skill in the art would have found it obvious to use the preliminary blow molding step taught by Uhlig to create the container disclosed by Shinichi, cut the compressed portion of the container taught by Shinichi with the punch disclosed by Uhlig, and then bond the cut-off portions with the injection mold taught by Hagano.

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This hypothetical combination does not disclose that the handle forming portion of a third blow mold be configured to penetrate the body of the bottle in a handle forming area.

Hurst discloses a handle forming portion of a blow mold (Figure 3: 20) which is configured to penetrate the body of the bottle in the handle forming area (See finger grooves in Figure 1) so that finger grooves are formed. Therefore, in order to mold the grooves taught by Hurst into the handle of the bottle disclosed by the above hypothetical combination, it would have been obvious to one of ordinary skill in the art at the time of the invention to blow mold the formed containers in a mold which penetrates into the body of the container at the handle area.

In regards to claims 2 and 24, Hagano further discloses and insert inject mold having a compressing member for compressing both sides of an the cutoff portion (Figure 9: 67).

In regards to claim 11, Hagano further discloses that use of a insert injection mold (Figure 9).

Claims 1, 2, 6, 11, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichi et al. (Japanese Kokai JP8323845 already of record) in view

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of Uhlig (USP 3740181), Hagano et al. (Pre-Grant Publication 2002/0125254), and Martin et al. (USP 4320789).

In regards to claims 1, 6, and 22, Shinichi discloses a method for manufacturing a PET ([0004]) container (Figure 14) comprising the steps of blow molding a preform in a cavity (Figure 12) that has a handle forming portion for compressing both sides of the bottle to form the handle section (Figure 12), conveying the preform by clamping its neck (Figure 12: 82), creating a hole in the compressed handle area ([0096]), and using a bonding apparatus for bonding a cut-off portion remaining in the handle section after cutting off the compressed portion of the handle section (Figure 17). In the invention of Shinichi, the apparatus used to form a hole in the handle area is not disclosed and the unbonded flanges of the handle area are sealed by using ultrasonic welding of a prefabricated piece ([0099] and [0100]).

Uhlig discloses that when blow molding a handled container, it is beneficial to have an intermediate blowing step in which the parison is blow molded into a cavity that creates a shape which allows the handle section to be compressed (Figure 12) for the benefit of creating a desirable amount of biaxial stretching in the handled container (Column 1, lines 45-49). Uhlig further discloses that it was well known in the art at the time of the invention to use a mold punch (Figure 17) to remove the compressed portion of a container handle.

Hagano discloses that it was known in the art to injection mold around the seam of a blow molded container by compressing the cut-off portion and overmolding the

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edges with an injection resin ([0090]). One of ordinary skill in the art at the time of the invention would have realized that by injection molding the sealing member directly onto the container of Shinichi rather than prefabricating it and then welding it in place, the amount of equipment and the production time of the process would be reduced.

Therefore, in order to create a biaxially stretched container while saving on equipment costs and processing time, one of ordinary skill in the art would have found it obvious to use the preliminary blow molding step taught by Uhlig to create the container disclosed by Shinichi, cut the compressed portion of the container taught by Shinichi with the punch disclosed by Uhlig, and then bond the cut-off portions with the injection mold taught by Hagano.

This hypothetical combination does not disclose that the handle forming portion of a third blow mold be configured to penetrate the body of the bottle upon in a handle forming area.

Martin discloses blow molding (Column 4, line 64) a container so that its seam is protected inside a recess in the container walls (Column 3, lines 13-21). Therefore, in order to protect the seam in the handle of the bottle disclosed by the above hypothetical combination, it would have been obvious to one of ordinary skill in the art at the time of the invention to blow mold the formed containers in a mold which penetrates into the body of the container at the handle area to form an indentation around the seam.

In regards to claims 2 and 24, Hagano further discloses and insert inject mold having a compressing member for compressing both sides of an the cutoff portion (Figure 9: 67).

In regards to claim 11, Hagano further discloses the use of insert injection molding (Figure 9).

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the previous combination of Shinichi et al. (Japanese Kokai JP8323845 already of record) in view of Uhlig (USP 3740181), Hagano et al. (Pre-Grant Publication 2002/0125254) and C. W. Hurst (USP 3499071) or alternatively over the previous combination of Shinichi et al. (Japanese Kokai JP8323845 already of record) in view of Uhlig (USP 3740181), Hagano et al. (Pre-Grant Publication 2002/0125254) and Martin et al. (USP 4320789) as applied to claims 1 and 6 above, and further in view of Fischer et al. (USP 4123217).

In regards to claim 3, the previous combination does not disclose that the mold punch has a heater installed on an end of the mold punch.

Fischer discloses installing a heater at the end of the mold punch (Column 2, line 65) for the benefit of allowing a cooled blow mold to be used which creates a cleanly-formed handle region (Column 2, lines 66-68). Although Fischer is concerned with punching a handle into a parison that has already been heat bonded within the handle

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region, one of ordinary skill in the art at the time of the invention would have been motivated to apply the teachings of Fischer to the cutting step disclosed by Shinich for the benefit of creating a clean shear in the handle area, preventing any stretching or deformation of the parison which might otherwise occur.

In regards to claim 8, the previous combination does not teach that use of a mold punch having a heater installed on its end when the parison is thick.

Fischer discloses installing a heater at the end of the mold punch (Column 2, line 65) for the benefit of allowing a cooled blow mold to be used which creates a cleanly-formed handle region (Column 2, lines 66-68). Although Fischer is concerned with punching a handle into a parison that has already been heat bonded within the handle region, one of ordinary skill in the art at the time of the invention would have been motivated to apply the teachings of Fischer to the cutting step disclosed by Shinichi for the benefit of creating a clean shear in the handle area, preventing any stretching or deformation of the parison which might otherwise occur.

It is the examiner's position that it is obvious to use the heated press disclosed by Fischer for essentially any container thickness. The thickness of the container is a design choice that one of ordinary skill in the art at the time of the invention would have modified to adjust the aesthetics and structural strength of the container.

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2. Claims 1, 2, 6, 11, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uhlig (USP 3740181) in view of Mojonnier et al. (USP 3366290), Hagano et al. (Pre-Grant Publication 2002/0125254) and C. W. Hurst (USP 3499071).

In regards to claims 1, 6, and 22 Uhlig discloses a method for manufacturing a PET bottle having a handle formed on a body (Figure 14) which comprises the steps of a first blowing operation performed in a blow mold to inflate an injection molded preform (Figures 11 and 12), a second blowing operation in which the container is further expanded by blow molding in a second mold that has a section for forming a handle in the container (Figure 15), and a cutting step in which a compressed portion of the handle section is cut off (Figure 17). The handle of the container created by the process of Uhlig does not employ the bonding apparatus required by claim 1 because when the flash in the compressed area is removed by the cutting apparatus of Uhlig, the seam is left bonded.

Mojonnier discloses that it is possible to create a handle in a container so that it is both liquid tight (Column 3, line 33) and comfortable to grip by leaving an elongated, unbonded flange in the handle area (Figure 2: 33b) that can be folded over while it is being bonded (Column 3, lines 41-45). Mojonnier does not disclose that the flanges be bonded by an insert injection mold, but does disclose that they can be bonded by "heat sealing, adhesive or the like" (Column 2, line 34), suggesting to one of ordinary skill in the art that any well known method of bonding flanges can be used.

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Hagano discloses that it is well known to use a bonding apparatus for bonding the ends of a cut-off portion ([0090]) of a blow-molded container in which both sides of the cut-off portion are compressed (Figure 9) and a resin is injected into a mold cavity to overmold the flanges and create a seal ([0090]). Therefore, it would have been obvious to one of ordinary skill in the art to make the handle of Uhlig more comfortable by adding the flanges disclosed by Mojonnier to the handle portion and then bonding them with the injection mold disclosed by Hagano.

Although Uhlig never explicitly states that the container be constructed of PET, such is well known in the art and would have been obvious to one of ordinary skill in the art at the time of the invention.

The above hypothetical combination does not disclose that the handle forming portion of the blow mold be configured to penetrate the body of the bottle upon compressing both sides of the bottle.

Hurst discloses a handle forming portion of a blow mold (Figure 3: 20) which is configured to penetrate the body of the bottle upon compressing both sides of the bottle (See finger grooves in Figure 1) so that finger grooves are formed. Therefore, in order to mold the grooves taught by Hurst into the handle of the bottle disclosed by the above hypothetical combination, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the section of the blow mold which compresses the handle of the bottle also extend into the body of the bottle.

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In regards to claims 2 and 24, Hagano further discloses and insert inject mold having a compressing member for compressing both sides of an the cutoff portion (Figure 9: 67).

In regards to claim 11, Hagano further discloses the use of insert injection molding (Figure 9).

3. Claims 1, 2, 6, 11, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uhlig (USP 3740181) in view of Mojonnier et al. (USP 3366290), Hagano et al. (Pre-Grant Publication 2002/0125254) and Martin et al. (USP 4320789).

In regards to claims 1, 6, and 22 Uhlig discloses a method for manufacturing a PET bottle having a handle formed on a body (Figure 14) which comprises the steps of a first blowing operation performed in a blow mold to inflate an injection molded preform (Figures 11 and 12), a second blowing operation in which the container is further expanded by blow molding in a second mold that has a section for forming a handle in the container (Figure 15), and a cutting step in which a compressed portion of the handle section is cut off (Figure 17). The handle of the container created by the process of Uhlig does not employ the bonding apparatus required by claim 1 because when the flash in the compressed area is removed by the cutting apparatus of Uhlig, the seam is left bonded.

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Mojonnier discloses that it is possible to create a handle in a container so that it is both liquid tight (Column 3, line 33) and comfortable to grip by leaving an elongated, unbonded flange in the handle area (Figure 2: 33b) that can be folded over while it is being bonded (Column 3, lines 41-45). Mojonnier does not disclose that the flanges be bonded by an insert injection mold, but does disclose that they can be bonded by “heat sealing, adhesive or the like” (Column 2, line 34), suggesting to one of ordinary skill in the art that any well known method of bonding flanges can be used.

Hagano discloses that it is well known to use a bonding apparatus for bonding the ends of a cut-off portion ([0090]) of a blow-molded container in which both sides of the cut-off portion are compressed (Figure 9) and a resin is injected into a mold cavity to overmold the flanges and create a seal ([0090]). Therefore, it would have been obvious to one of ordinary skill in the art to make the handle of Uhlig more comfortable by adding the flanges disclosed by Mojonnier to the handle portion and then bonding them with the injection mold disclosed by Hagano.

Although Uhlig never explicitly states that the container be constructed of PET, such is well known in the art and would have been obvious to one of ordinary skill in the art at the time of the invention.

The above hypothetical combination does not disclose that the handle forming portion of a third blow mold be configured to penetrate the body of the bottle upon in a handle forming area.

Martin discloses blow molding (Column 4, line 64) a container so that its seam is protected inside a recess in the container walls (Column 3, lines 13-21). Therefore, in

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order to protect the seam in the handle of the bottle disclosed by the above hypothetical combination, it would have been obvious to one of ordinary skill in the art at the time of the invention to blow mold the formed containers in a mold which penetrates into the body of the container at the handle area to form an indentation around the seam.

In regards to claims 2 and 24, Hagano further discloses and insert inject mold having a compressing member for compressing both sides of an the cutoff portion (Figure 9: 67).

In regards to claim 11, Hagano further discloses the use of insert injection molding (Figure 9).

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the previous combination of Uhlig (USP 3740181) in view of Mojonnier et al. (USP 3366290), Hagano et al. (Pre-Grant Publication 2002/0125254) and C. W. Hurst (USP 3499071) or alternatively over the previous combination of Uhlig (USP 3740181) in view of Mojonnier et al. (USP 3366290), Hagano et al. (Pre-Grant Publication 2002/0125254) and Martin et al. (USP 4320789) as applied to claims 1 and 6 above, and further in view of Fischer et al. (USP 4123217).

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In regards to claim 3, the previous combination does not disclose that the mold punch has a heater installed on an end of the mold punch.

Fischer discloses installing a heater at the end of the mold punch (Column 2, line 65) for the benefit of allowing a cooled blow mold to be used which creates a cleanly-formed handle region (Column 2, lines 66-68). Although Fischer is concerned with punching a handle into a parison that has already been heat bonded within the handle region, one of ordinary skill in the art at the time of the invention would have been motivated to apply the teachings of Fischer to the cutting step disclosed by Shinich for the benefit of creating a clean shear in the handle area, preventing any stretching or deformation of the parison which might otherwise occur.

In regards to claim 8, the previous combination does not teach the use of a mold punch having a heater installed on its end when the parison is thick.

Fischer discloses installing a heater at the end of the mold punch (Column 2, line 65) for the benefit of allowing a cooled blow mold to be used which creates a cleanly-formed handle region (Column 2, lines 66-68). Although Fischer is concerned with punching a handle into a parison that has already been heat bonded within the handle region, one of ordinary skill in the art at the time of the invention would have been motivated to apply the teachings of Fischer to the cutting step disclosed by Shinichi for the benefit of creating a clean shear in the handle area, preventing any stretching or deformation of the parison which might otherwise occur.

It is the examiner's position that it is obvious to use the heated press disclosed by Fischer for essentially any container thickness. The thickness of the container is a design choice that one of ordinary skill in the art at the time of the invention would have modified to adjust the aesthetics and structural strength of the container.

Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichi et al. (Japanese Kokai JP8323845 already of record) in view of Hagano et al. (Pre-Grant Publication 2002/0125254), and C. W. Hurst (USP 3499071).

In regards to claims 23 Shinichi discloses a method for manufacturing a PET ([0004]) container (Figure 14) comprising the steps of injection blow molding a preform ([0030]) in a cavity (Figure 12) and using a bonding apparatus for bonding a cut-off portion remaining in the handle section after cutting off the compressed portion of the handle section (Figure 17). In the invention of Shinichi, the unbonded flanges of the handle area are sealed by using ultrasonic welding of a prefabricated piece ([0099] and [0100]).

Hagano discloses that it was known in the art to injection mold around the seam of a blow molded container by compressing the cut-off portion and overmolding the edges with an injection resin ([0090]). One of ordinary skill in the art at the time of the invention would have realized that by injection molding the sealing member directly onto the container of Shinichi rather than prefabricating it and then welding it in place, the amount of equipment and the production time of the process would be reduced.

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Therefore one of ordinary skill in the art would have found it obvious to use the bond the cut-off portions with the injection mold taught by Hagano for the benefit of saving time and equipment costs..

This hypothetical combination does not disclose that the handle forming portion of a blow mold be configured to penetrate the body of the bottle in a handle forming area.

Hurst discloses a handle forming portion of a blow mold (Figure 3: 20) which is configured to penetrate the body of the bottle in the handle forming area (See finger grooves in Figure 1). Therefore, in order to mold the grooves taught by Hurst into the handle of the bottle disclosed by the above hypothetical combination, it would have been obvious to one of ordinary skill in the art at the time of the invention to blow mold the formed containers in a mold which penetrates into the body of the container at the handle area.

In regards to claim 25, Hagano further discloses an insert injection molding process in which an intermediate portion of the seam is compressed and then bonded with injection molding (Figure 9).

Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichi et al. (Japanese Kokai JP8323845 already of record) in view of Hagano et al. (Pre-Grant Publication 2002/0125254), and Martin et al. (USP 4320789).

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In regards to claim 23 Shinichi discloses a method for manufacturing a PET ([0004]) container (Figure 14) comprising the steps of injection blow molding a preform ([0030]) in a cavity (Figure 12) and using a bonding apparatus for bonding a cut-off portion remaining in the handle section after cutting off the compressed portion of the handle section (Figure 17). In the invention of Shinichi, the unbonded flanges of the handle area are sealed by using ultrasonic welding of a prefabricated piece ([0099] and [0100]).

Hagano discloses that it was known in the art to injection mold around the seam of a blow molded container by compressing the cut-off portion and overmolding the edges with an injection resin ([0090]). One of ordinary skill in the art at the time of the invention would have realized that by injection molding the sealing member directly onto the container of Shinichi rather than prefabricating it and then welding it in place, the amount of equipment and the production time of the process would be reduced. Therefore one of ordinary skill in the art would have found it obvious to use the bond the cut-off portions with the injection mold taught by Hagano for the benefit of saving time and equipment costs..

This hypothetical combination does not disclose that the handle forming portion of a blow mold be configured to penetrate the body of the bottle in a handle forming area.

Martin discloses blow molding (Column 4, line 64) a container so that its seam is protected inside a recess in the container walls (Column 3, lines 13-21). Therefore, in order to protect the seam in the handle of the bottle disclosed by the above hypothetical

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combination, it would have been obvious to one of ordinary skill in the art at the time of the invention to blow mold the formed containers in a mold which penetrates into the body of the container at the handle area to form an indentation around the seam.

In regards to claim 25, Hagano further discloses an insert injection molding process in which an intermediate portion of the seam is compressed and then bonded with injection molding (Figure 9).

Response to Arguments

4. Applicant's arguments filed 7/28/2009 have been fully considered but they are not persuasive.

In regards to claims 1, 6, 22, and 23, it is argued on page 7 that one of ordinary skill would not turn to the references to Uhlig or Hagano because these references disclose extrusion blow molding processes and the claimed invention requires an injection molding step. Applicant further asserts that extrusion molding is not compatible with PET. The examiner finds these arguments unpersuasive because Pre-Grant Publication 2002/0076463 to Petre explicitly discloses that one of ordinary skill would appreciate that extrusion blow molding and injection blow molding are obvious alternatives for forming containers out of PET.

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It is argued by Applicant on Page 8 that one of ordinary skill in the art would not turn to the disclosure of Mojonnier because compression bonding will not work on biaxially oriented PET. The examiner finds this unpersuasive because Pre-Grant Publication 2002/0171161 to Belcher discloses that it is well known in the art to use compression to bond heated and biaxially oriented PET in the handle area of a container ([0034]).

It is argued by Applicant on Page 8 that Shinichi discloses that a container with protruding parts be made and the claims explicitly require that a mold be used which penetrates the body of the container. The examiner would first like to note that one of ordinary skill would be motivated to modify the invention of Shinichi and perform the steps required by Applicant in claims 1 and 6 for the reasons given above in the rejection. The examiner further notes that Applicant appears to be arguing that the language of claims 1 and 6 requires that there be no protruding parts in the handle section. The examiner respectfully disagrees with this assertion because the claims simply require that a mold penetrate the container in the handle section, not that all protruding parts in the handle section of the container become recessed within the body of the container. A mold which penetrates only a slight portion of the entire handle area would still read on the language of the claims.

In regards to claims 3 and 8, it is argued by Applicant on page 9 of the remarks that one of ordinary skill would not turn to the disclosure of Fischer because Fischer

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discloses a single blowing process and results in a container that has protruding parts. The examiner notes that Applicant appears to be arguing the references separately. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Fishcer was simply used to disclose that the punch be heated. It is the combination of references which discloses a process that produces a container with Applicant's required geometry. Again, the examiner disagrees with Applicant's assertion that the language of the claims requires that the handle area have no protruding parts for the same reasons as given above.

In regards to claims 2 and 11, Applicant argues on page 10 of the remarks that one of ordinary skill would not be motivated by the disclosure of Hurst to use a blow mold to form the indented handle area required by the claims because in the process of Hurst, the handle area of the mold is used to compress the sides of the parison together and form the handle area. However, the examiner notes that Applicant appears to be arguing the references separately. Hurst was referred to by the examiner because it suggests to one of ordinary skill in the art that it would be beneficial to incorporate finger grooves into the handle area of the claims 1 and 6 and that it is possible to accomplish this via blow molding. One applying the teachings of Hurst to the combination of

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references used for claims 1 and 6 would therefore find it obvious to blow mold finger grooves into the container product.

Applicant further argues on Page 10 that one of ordinary skill in the art would not turn to the disclosure of Martin because Martin is concerned with extrusion blow molding and the claims require injection blow molding. The examiner does not find the persuasive for the same reasons given above for Uhlig and Hagano. Applicant then argues that because it appears that the container of Martin can be ejected from the mold without incurring an undercut phenomenon, it would not be suitable for a rigid material such as PET. The examiner notes that Applicant appears to be arguing that there is no bodily incorporation of the mold of Martin with the previous references used in the rejections of claims 1 and 6. In response to applicant's argument that the mold of Martin cannot be incorporated with the references used to reject claims 1 and 6, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Martin suggests to one of ordinary skill in the art that it would be beneficial to blow mold an indentation into the seam area so that the seam becomes protected by being recessed into the body of the container. Applicant finally argues that Martin performs the indenting step in order to protect the seam and Applicant is concerned with improving the grip properties of the seam. The examiner notes the Applicant appears to be

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arguing unclaimed subject matter. In any event, Because Martin discloses the positively recited step of recessing the seam area into the body of the container, it is the examiner's position that it will also lead to Applicant's intended result of making the handle more comfortable.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN ROGERS whose telephone number is 571-270-7002. The examiner can normally be reached on Monday through Thursday, 7:30 to 5:00, and every other Friday, 7:30 to 4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR

/Christina Johnson/
Supervisory Patent Examiner, Art Unit 1791